IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Crl.MC.No. 3731 of 2007

(CC.225/2006 OF THE J.F.C.M. COURT-I, MANJERI)
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PETITIONERS/ ACCUSED NOS 1 TO 8 IN C.C. 225/2006:
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1. **MADHU, AGED 40, S/O. CHANDUNNI,**
   BHAGAVATHIKALATHIL HOUSE,
   VALLUVAMBRAM (P.O), MONGAM (VIA),
   MALAPPURAM (DT.).

2. **PREMKUMAR, AGED 40,**
   S/O. KUMARAN, GANAPATHYPARAMBIL HOUSE,
   CHUNGATHARA (P.O), MALAPPURAM (DT).

3. **DINAK, AGED 37, S/O. KAMALAKARAN,**
   BEHIND LAL BHAVAN, NAMBISSAN COLONY,
   MALAPPURAM (DT.).

4. **DEVADAS, AGED 40, S/O. APPUNNI NAIR,**
   KUNNATH HOUSE, MANALI, CHUNGATHARA.(P.O),
   MALAPPURAM (DT).

5. **SIDHIQUE ALI, AGED 32,**
   S/O. ABOOBACKER, THORAN HOUSE,
   CHUNGATHARA (P.O),
   MALAPPURAM (DT.).

6. **MUHAMMED ALI, AGED 47,**
   S/O. MAMMED, NOOREMOOCHIKKAL HOUSE,
   VALLUVAMBRAM (P.O),
   MALAPPURAM (DT.).

7. **MUJEEB, AGED 35,**
   S/O. MUHAMMED,
   THACHUKODE HOUSE,
   CHUNGATHARA (P.O),
   MALAPPURAM (DT).

CRL.M.C. NO. 3731/2007:

8. RAJAN, AGED 45,
S/O. KRISHNAN,
ODUNGATTIL HOUSE,
THELPARA, CHUNGATHARA,
MALAPPURAM (DT).

BY ADV. SRI.K.SHIBILI NAHA,
ADV. SMT.A.LOWSY

RESPONDENT/ COMPLAINANT AND RESPONDENTS /ACCUSED IN C.C. 223/2006:

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1. S.I. OF POLICE, KALIKAVU POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. ANIL BABU, S/O. NARAYANAN (LATE),
MANEERI HOUSE, KALIKAVU AMSOM,
THRIKKUNNASSERI DESOM,
NILAMBUR TALUK.

3. SUNIL RAJ, S/O. NARAYANAN (LATE),
MANEERI HOUSE, KALIKAVU AMSOM,
THRIKKUNNASSERI DESOM,
NILAMBUR TALUK.

4. SURESH, S/O. NARAYANAN (LATE),
MANEERI HOUSE, KALIKAVU AMSOM,
THRIKKUNNASSERI DESOM,
NILAMBUR TALUK.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3731 of 2007

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Dated this the 13th day of December, 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Section 324 I.P.C. The petitioner had come to this Court with a prayer for a direction under Section 173(8) Cr.P.C. to conduct further investigation, after his prayer to that effect was rejected by the learned Magistrate. By judgment dt. 14.3.2007 in W.P.C. 2183 of 2007 this Court had directed the Investigating Officer to conduct a further investigation and submit a report to the learned Magistrate under Section 173(8) Cr.P.C.

2. It is submitted that such a further report has now been filed, copy of which is Annex.G. The petitioner complains that no proper further investigation has been conducted. He is aggrieved by the nature of the further investigation conducted and the report filed after such further investigation. He has now come to this Court to quash the proceedings.

3. I am certainly of the opinion that a further report, Annex.G, having already been filed, it is for the petitioner to bring to the notice of the learned Magistrate that a proper further investigation has not been conducted. The learned counsel submits that in its core and substance, the dispute is about the person who is in possession of the property in which the incident took place. The petitioner can raise whatever objections he has against Annex.G report before the learned Magistrate. The learned Magistrate must consider such objections and pass appropriate orders/directions.

4. With the above observations, this Crl.M.C. is dismissed.

(R. BASANT)
Judge

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